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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,789	01/08/2002	Hans-Walter Bielefeld	BIELEFELD	4601

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NEW YORK, NY 10118

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/041,789	Applicant(s) BIELEFELD ET AL.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10,12-14 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,12-14 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see the marked attachment</u> . |

Claim Rejections - 35 USC # 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2,8,9,12-14 and 18-24 stand rejected under 35 U.S.C.

102(b) as being anticipated by Nimmrichter (EP 0 828 052). Nimmrichter discloses a plastic longitudinal hollow frame section 1 (page 9, line 34-35) having an interior subdivided in several inner chambers 20,22 by a plurality of partition walls 17 extending in a direction of the longitudinal axis, and a plurality of rectangular-shaped metal stiffening elements 23,25,52 (page 17, line 2-4) received in the interior, separate from one another, without interconnection to each other, secured directly to the frame section 1. The stiffening elements 23,25,52 further include punchings 34,69,R configured such that the cross-section (CA1,CA2) of the stiffening elements 23,25,52 is the same in any application of the frame section 1 in a direction transverse to the longitudinal axis (LA) of the frame section 1, see the marked attachment. The elements 23 that are referred to as stiffening elements in this Office Action, for reinforcement of the frame section, are considered so because on page 11, lines 13-14 of the translation it states "if the stability of the blocking foil 25 is appropriate, it can also contribute to the static properties of the hollow section member 1 ", meaning that the element 23 does in fact act as a "stiffening" element.

Regarding claim 2, the stiffening elements 23,25,52 further are strip shaped.

In reference to claim 8, the stiffening elements 23,25,52 have a high

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radiation reflection surface 35 (page 10 of translation, lines 25-27).

Regarding claim 9, the stiffening elements 23,25,52 may be provided with a reflecting layer 40 (page 11, 25 of the translation) a "lacquer" surface (page 12 of the translation, line 30), or a layer 71 (page 18, line 22 of the translation).

Regarding claim 12, the punchings R open outwardly and are offset one longitudinal side 29,30 by a between area A, see the marked attachment, such that the punchings R on opposing sides 29,30 are in a same area.

In reference to claims 13 and 14, the frame section 1 has exterior walls 2-6 that form visible surfaces 9, 10, wherein the exterior walls are formed on one side of the frame section 1 by members 7, 12,17 and portions of 11 and on the other side of the frame section 1 by members 8, 17 and portions of 11 such that at least two of the stiffening elements 23,25,52 which oppose one another at opposite ends thereof are embedded in and secured to the inner surfaces 18, 19 of the exterior walls 2-6.

Regarding claims 18 and 19, the strip-shaped stiffening elements 23,25,52 have lateral boundary planes (colored red in the marked attachment) that do not intersect any visible surfaces 9, 10 of the frame section 1; wherein the stiffening elements 23,25,52 have sufficient distance (colored green in the marked attachment) to the visible surfaces 9, 10 of the frame section 1 such that the end zone of the stiffening elements 52 "can inherently be" worked on

with a tool without damage to the frame section 1 because the stiffening element 52 are inserted within the frame section after extrusion and cooling (page 14, lines 16- 19 of the translation).

In reference to claims 20 and 21, some of the stiffening elements 23,47,48,52 extend vertically and some of the stiffening elements 18,41,54 extend horizontally at a distance to the vertical stiffening elements 23,47,48,52 such that the horizontal stiffening elements 18,41,54 are provided in an area of a portion 20,22 of the frame section 1.

Regarding claim 22, the frame section 1 also includes a receiving pocket 15 that receives an attachment profile, not labeled (page 9 of the translation, lines 5-7) .

In reference to claim 23, opposite longitudinal side edges 29,30 of the stiffening elements 23 are formed with alternating projections 33,44 and cutouts R wherein a projection 33,44 on one side edge 29,30 is opposed by a cut out cutout R on the other side 29,30.

Regarding claim 24, the stiffening element has longitudinal sides 29,30 and punchings 34 formed in an area between the longitudinal sides 29,30, see Figures 2 and 3.

Claim 10 stands rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nimmrichter (EP 0 828 052). Nimmrichter discloses a plastic longitudinal hollow frame section 1 (page 9, line 34-35) having an interior subdivided in several inner chambers 20,22 by

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a plurality of partition walls 17 extending in a direction of the longitudinal axis, and a plurality of rectangular-shaped metal stiffening elements 23,25,52 (page 17, line 2-4) received in the interior, separate from one another, without interconnection to each other, secured directly to the frame section 1. The stiffening elements 23,25,52 further include punchings 34,69,R configured such that the cross-section of the stiffening elements 23,25,52 is the same in any application of the frame section 1 in a direction transverse to the longitudinal axis of the frame section 1. The elements 23 that are referred to as stiffening elements in this Office Action, for reinforcement of the frame section, are considered so because on page 11 lines 13-14) of the transition it states "if the stability of the blocking foil 25 is appropriate, it can also contribute to the static properties of the hollow section member 1 ", meaning that the element 23 does in fact act as a "stiffening" element. The stiffening elements 23,25,52 may be made from aluminum (page 17 of the translation, line 4) and are anodized (metal coated with a protective oxide) - metal vaporized (page 12, line 29 of the translation) . In the event that metal vaporization is not considered anodizing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to anodize a metallic element, since metallic elements are often subject to deterioration, anodizing would provide a protective coating or film on the element. Anodizing the metal stiffening elements allows the stiffening element to last for longer periods of time while also providing the frame section with added rigidity with a stiffener that resists corrosion due to exposure.

Response to Arguments

Applicant's arguments filed 4/20/04 have been fully considered but they are not persuasive.

Regarding the applicant's argument that the cross-section of the stiffening elements does not include punchings such that the stiffening element has the same cross-section throughout, the Official Actions details two separate embodiments of stiffening elements of EP 0 828 052, figures 3 and 15. The applicant in his response details that claim 1 relates to "identical cross-sections at different locations and does not relate to a symmetric cross-section at one location. The first embodiment as shown in figure 3 has the same cross-section at different locations (CA1) and (CA11) throughout, and also has the same cross-section at different locations (CA2) and (CA22) throughout. Also, the second embodiment as shown in figure 15 has the same cross-section (CA,68) at different locations throughout. Hence, both embodiments of figures 3 and 15 of stiffening member 25 clearly have the same cross-section throughout (i.e. from longitudinal side 29 to longitudinal side 30).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the stiffening element having identical cross-sections at different locations) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Claim 1 merely cites that the stiffening member has a rectangular cross-section...including

punchings such that the stiffening element has the same cross-section throughout. The claim does not detail throughout what (i.e. along the longitudinal axis, length, or what?).

Regarding the applicant's argument as to the allowability of claims 12,23 and 24, these claims currently depend upon claim 1. Claim 1 stands as being rejected, as does claims 12,23 and 24. Hence, these claims remain as being rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

July 09, 2004



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

Fig.2

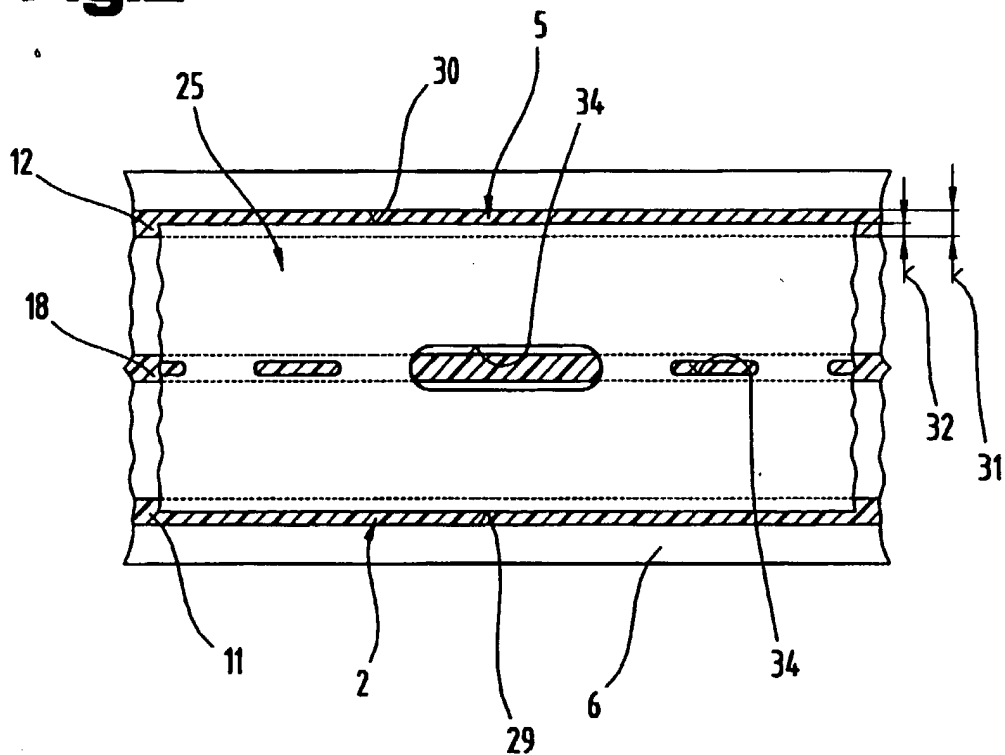


Fig.3

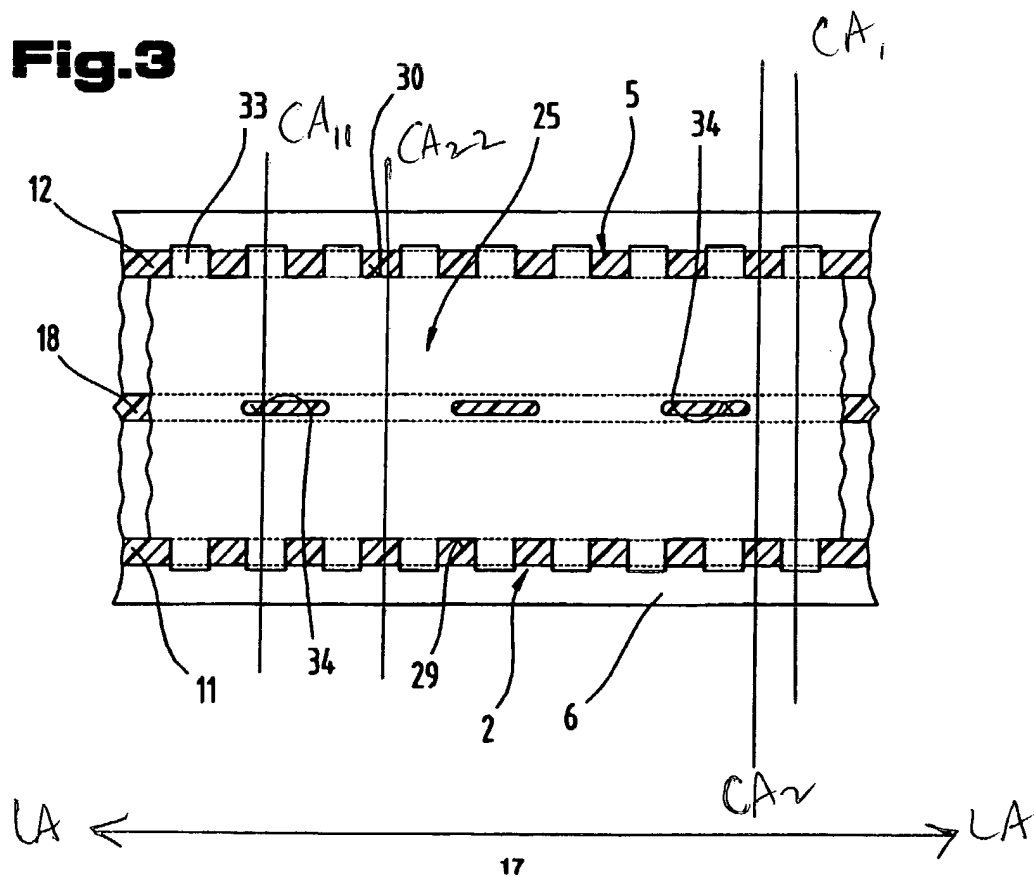


Fig.14

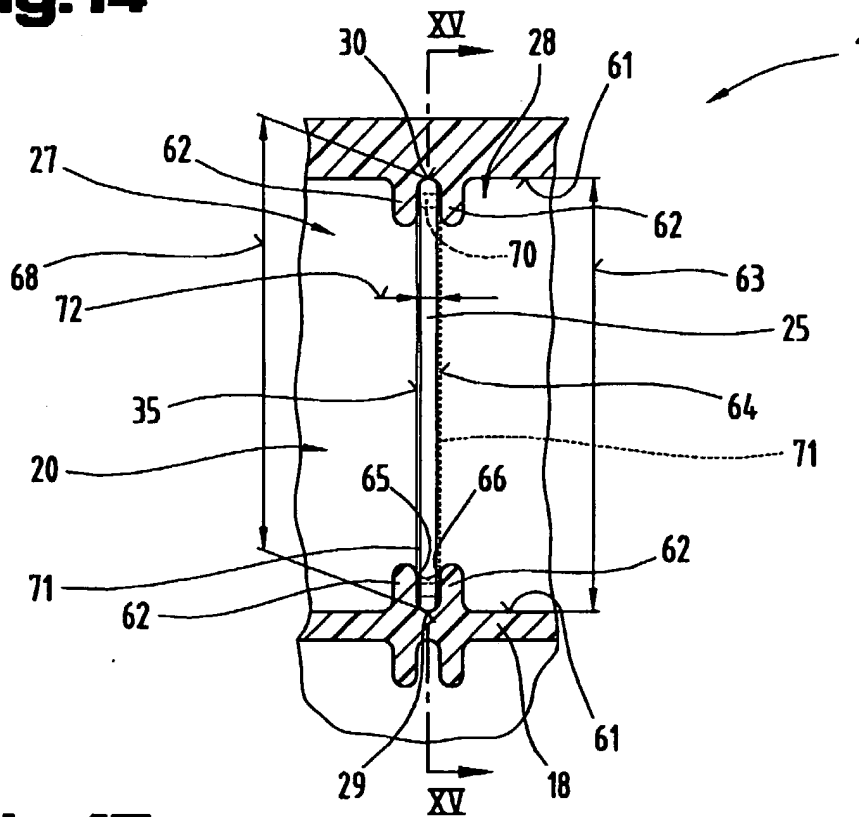


Fig.15

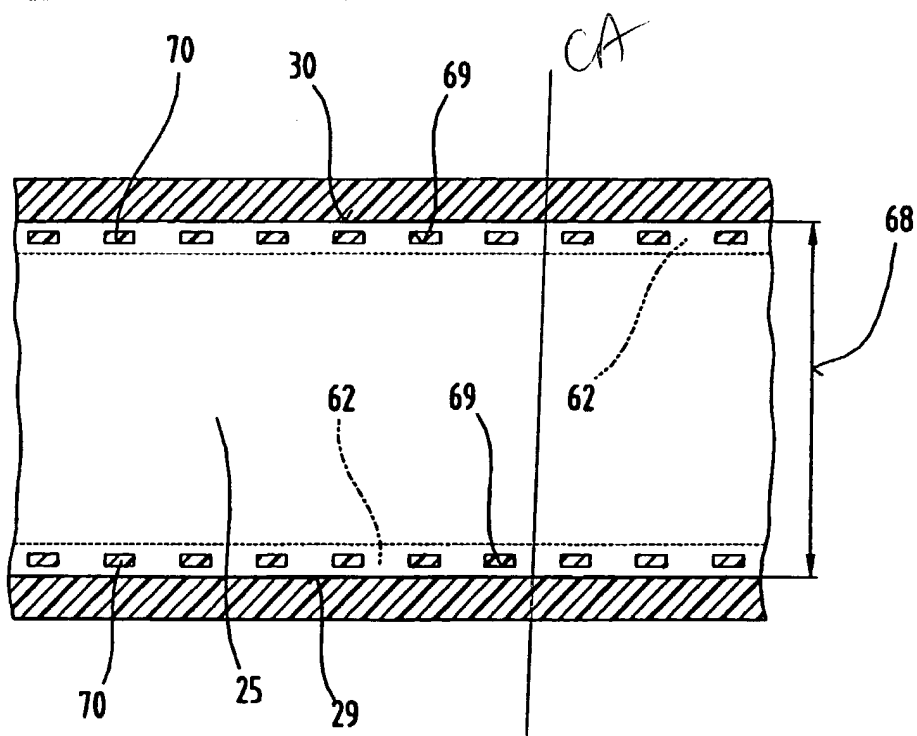
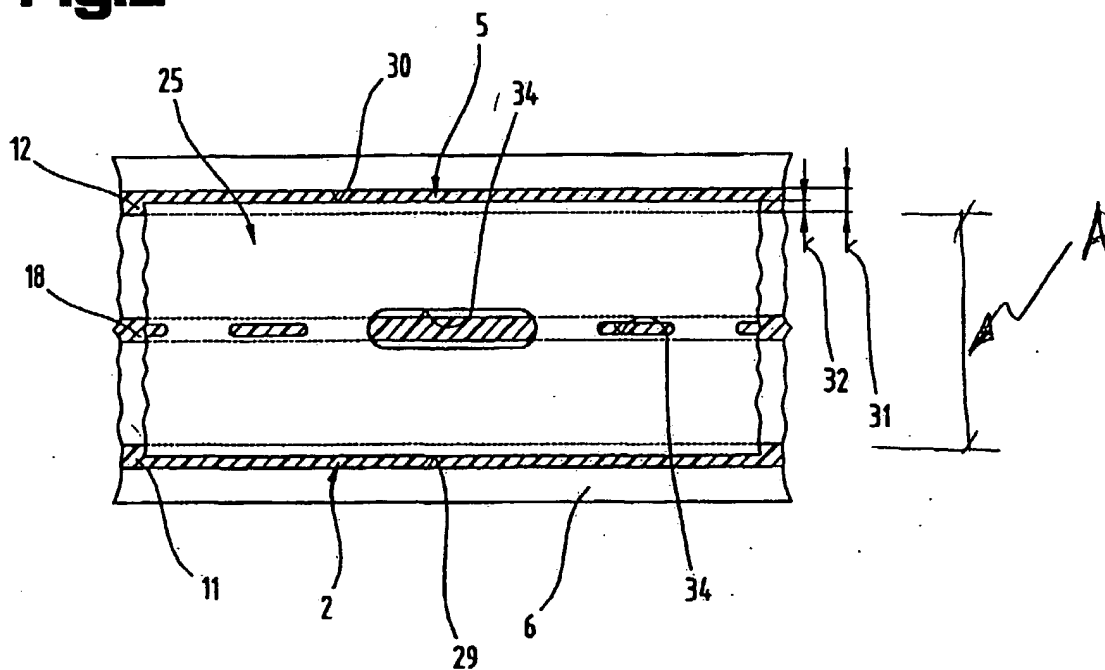
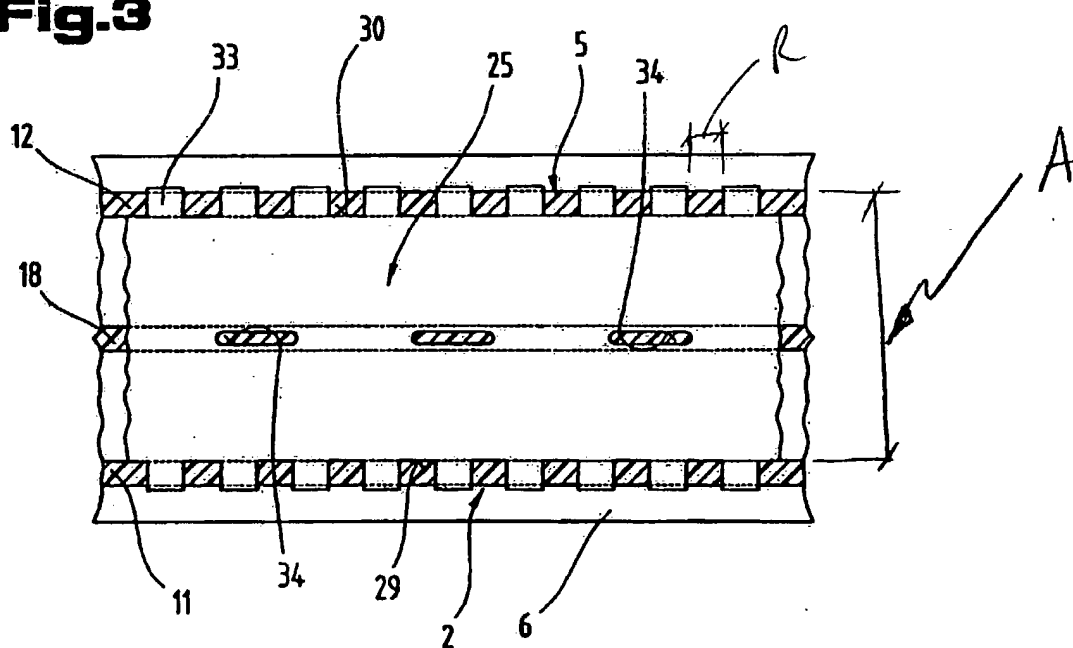


Fig.2**Fig.3**

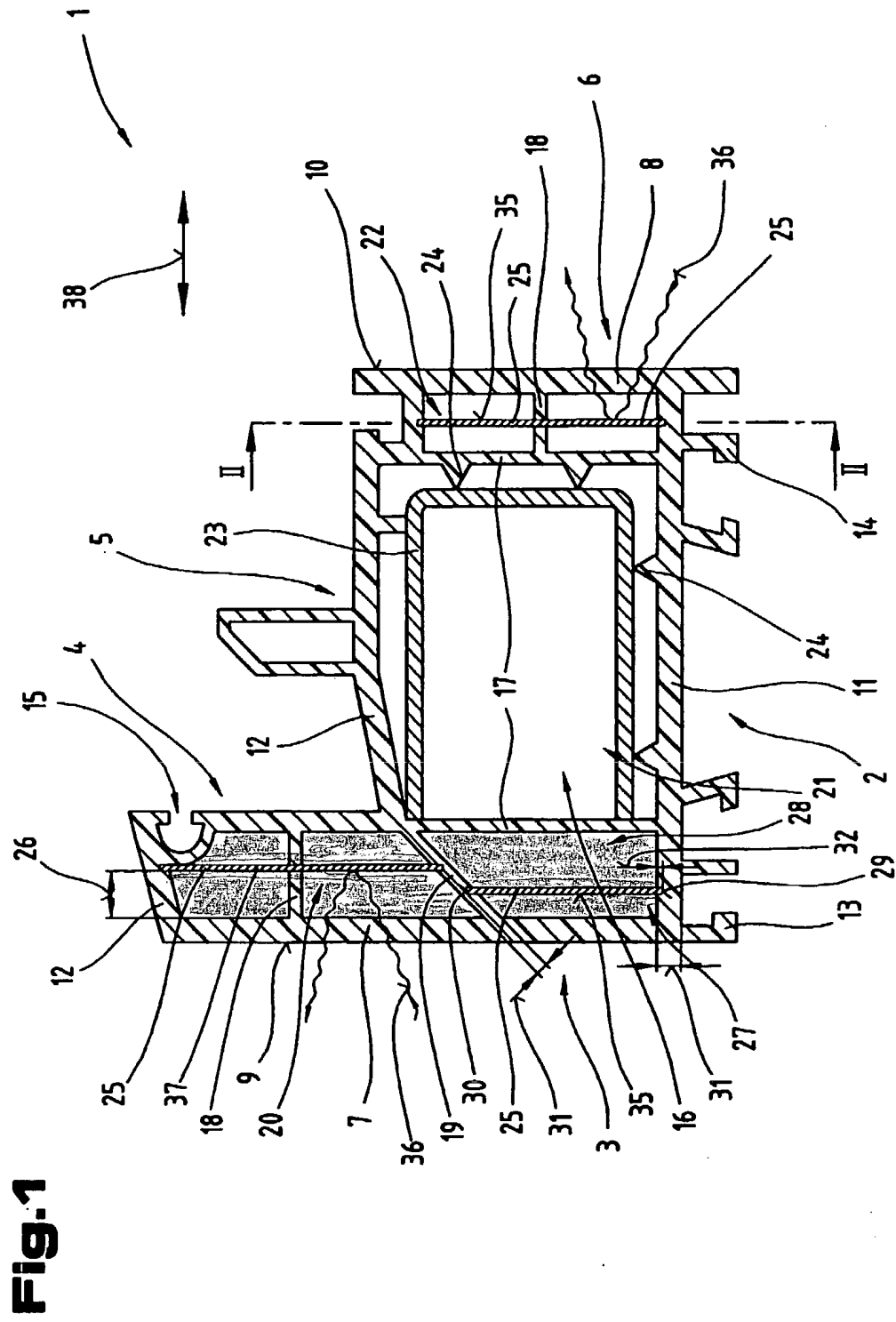


Fig.8

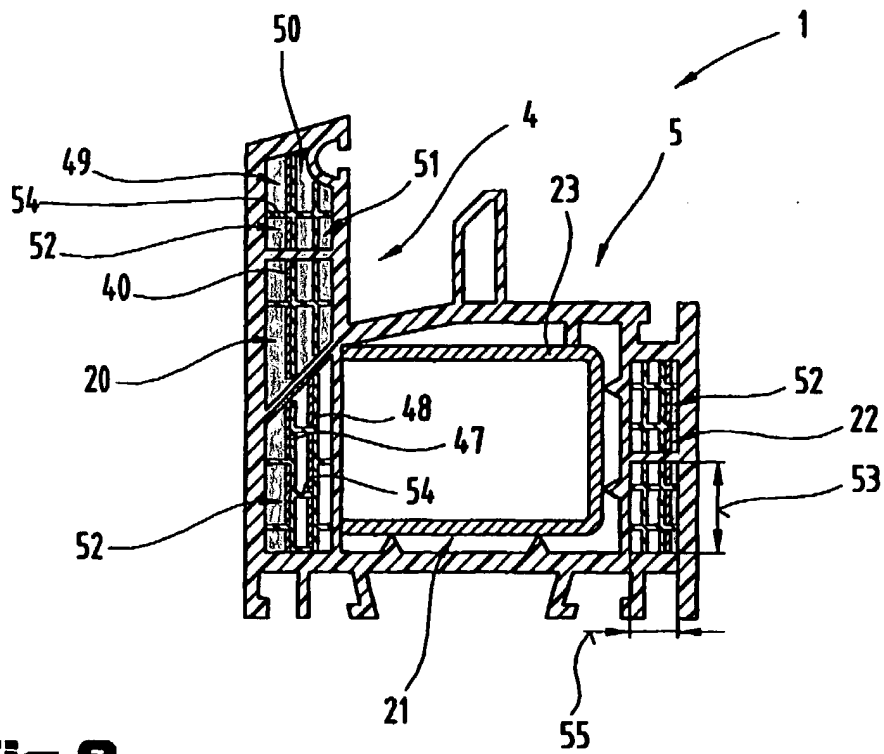


Fig.9

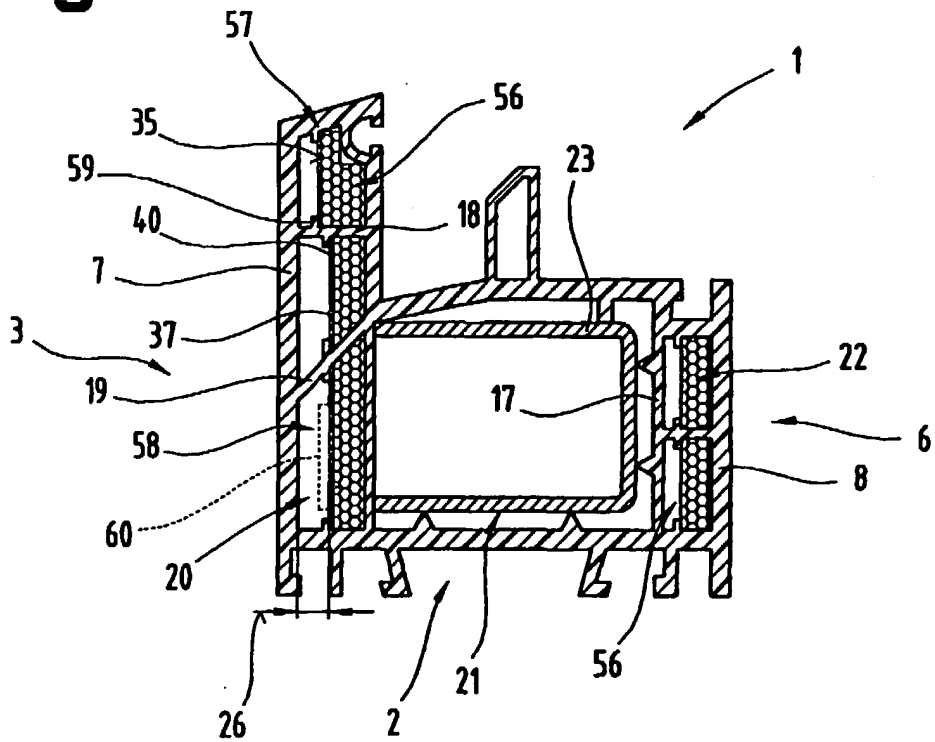


Fig.10

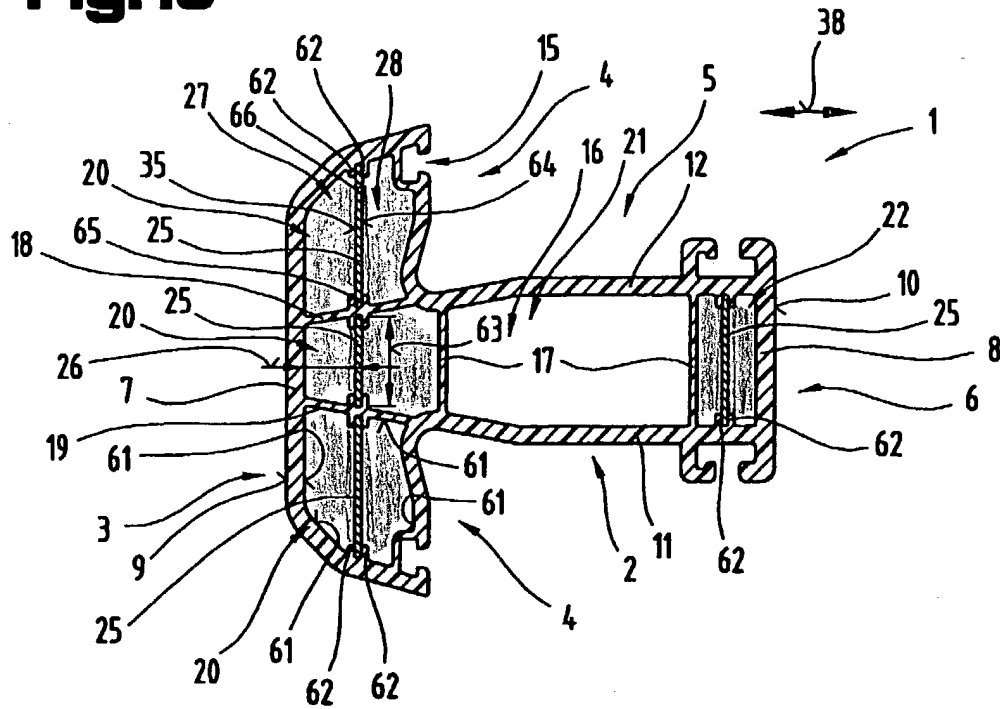


Fig.11

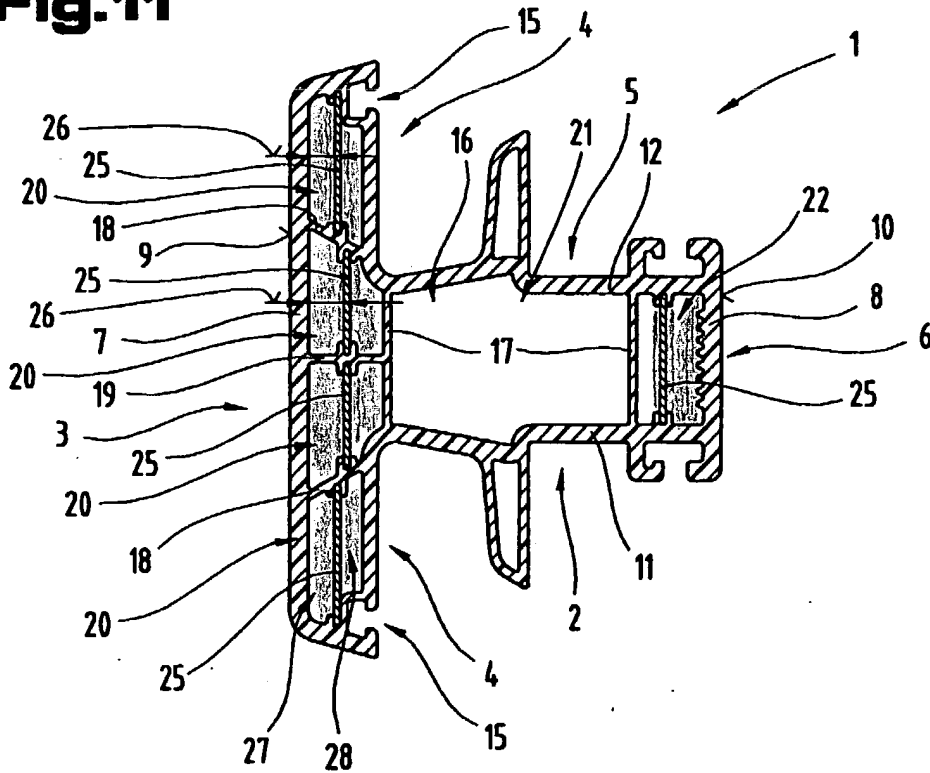


Fig.12

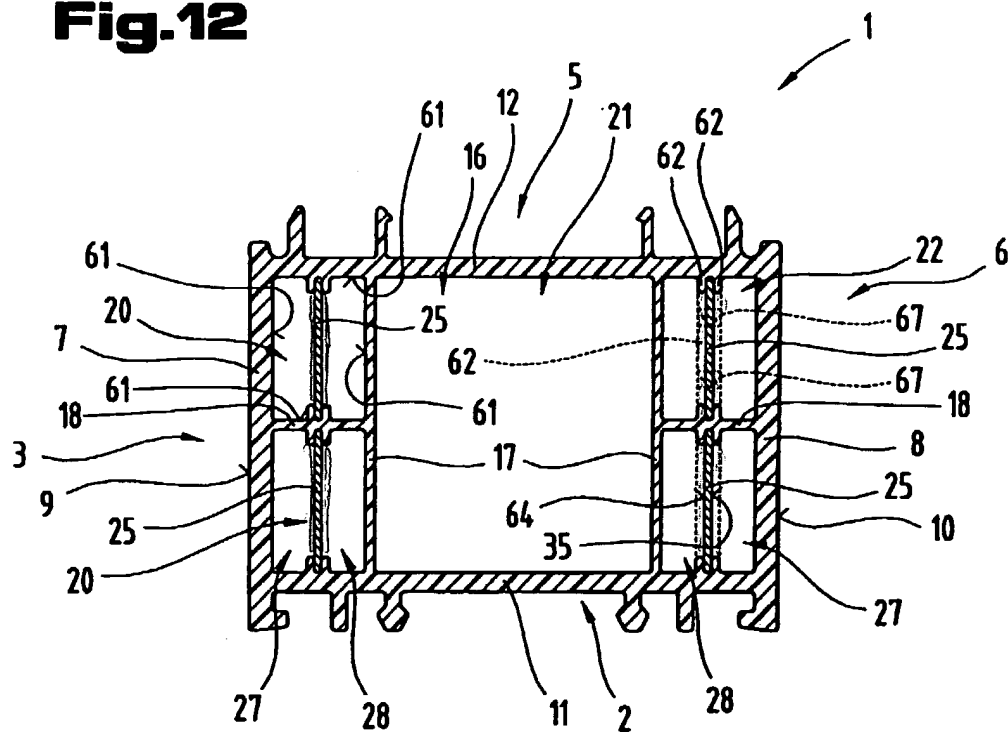
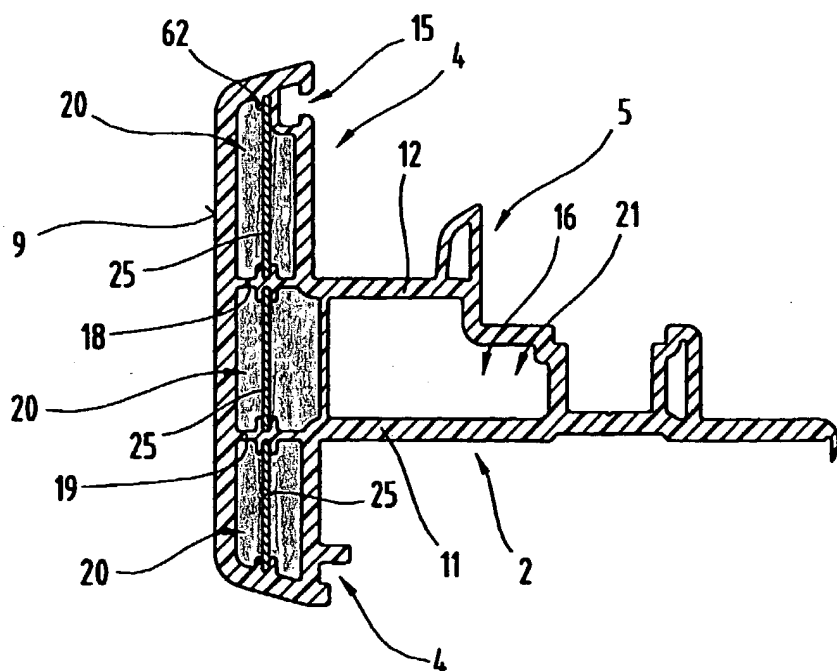


Fig.13



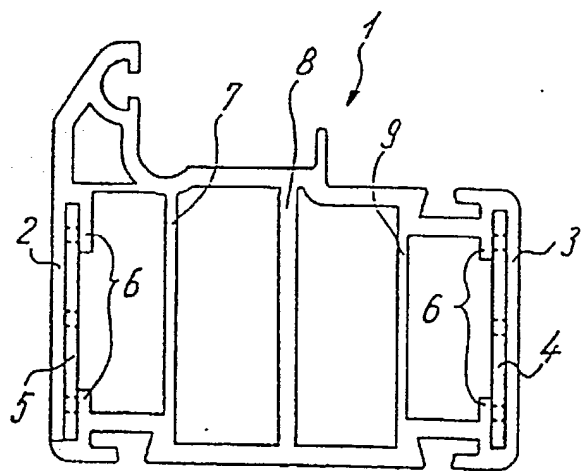


Fig. 1

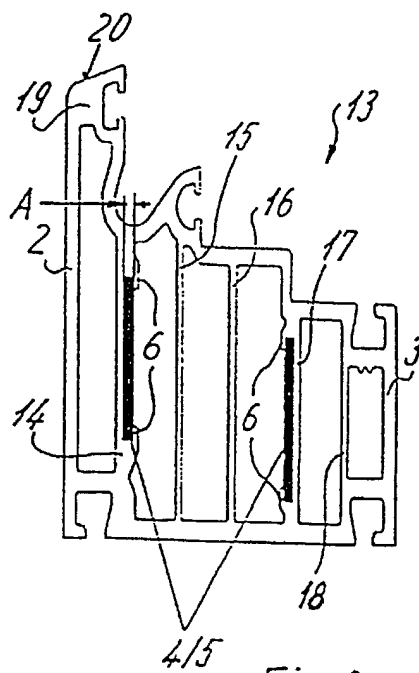


Fig. 3

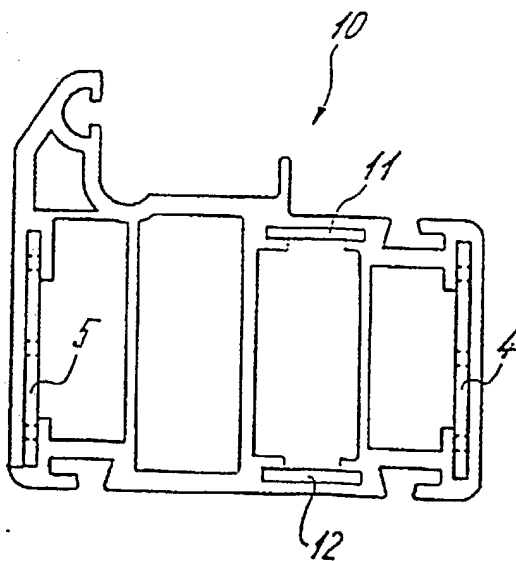


Fig. 2

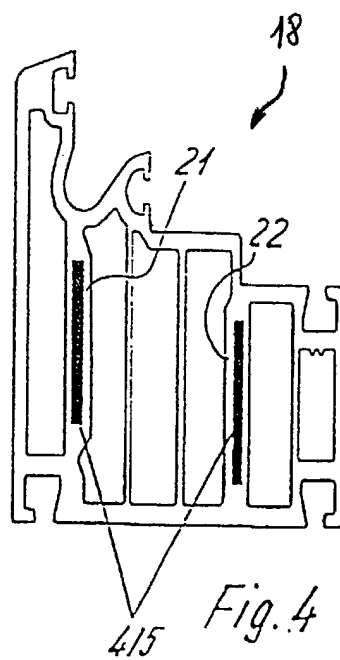
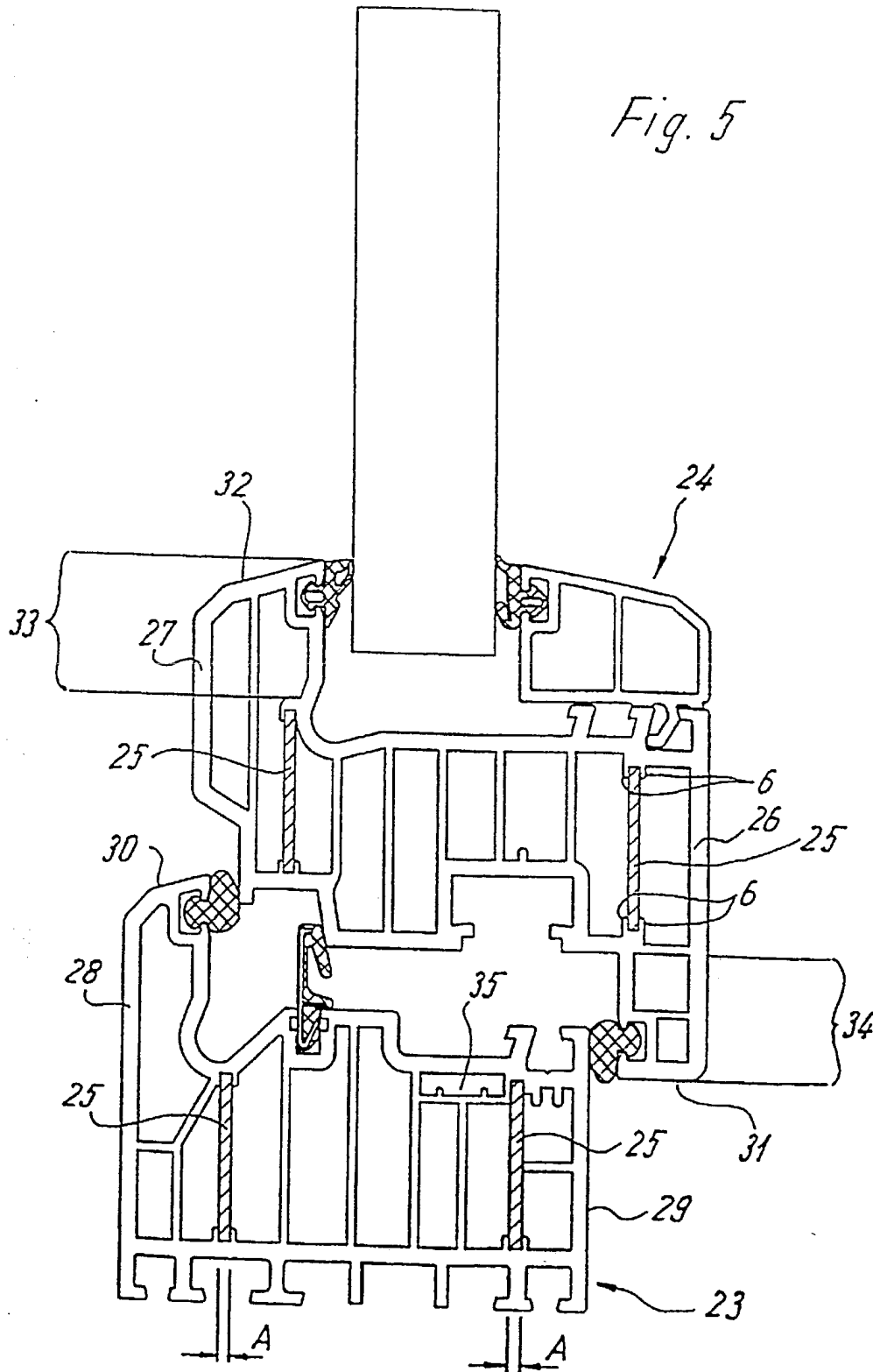


Fig. 4

PHOTOGRAPH

Fig. 5



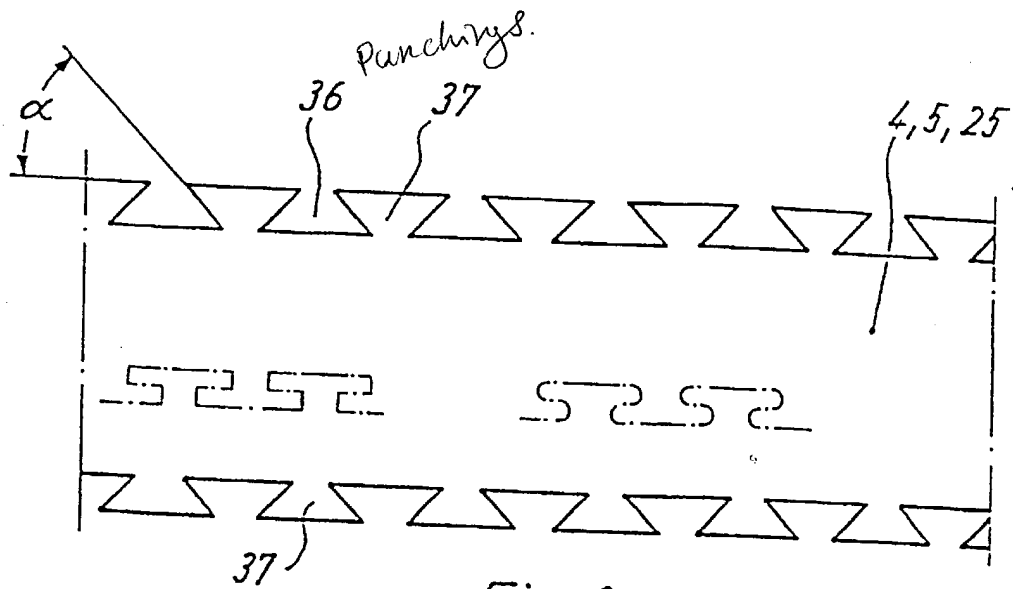


Fig. 6

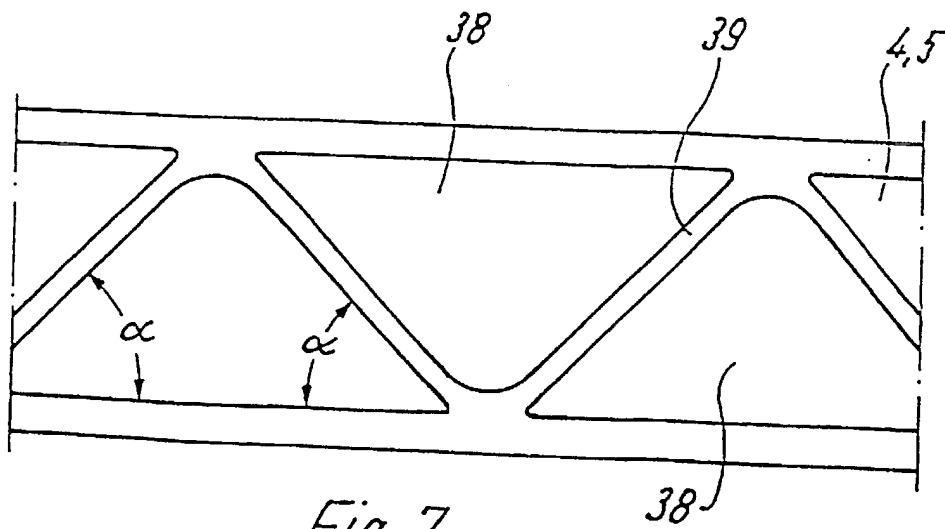


Fig. 7

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